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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/765,636	01/27/2004	Gerald R. Savicki JR.	905P164	2271
44564	7590	03/09/2005	EXAMINER	
BOND, SCHOENECK & KING, PLLC			KLAUS, LISA NHUNG	
10 BROWN ROAD, SUITE 201				
ITHACA, NY 14850-1248			ART UNIT	PAPER NUMBER
			2832	

DATE MAILED: 03/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/765,636	SAVICKI ET AL.	
	Examiner	Art Unit	
	Lisa N. Klaus	2832	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 29 January 2004.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-11 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 29 January 2004 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All
 - b) Some *
 - c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>1-29/04</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a) because they fail to show the element numbers 61, 25 (figure 3) and Rh, Ro (figure 4A) as described in the specification. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

2. The abstract of the disclosure is objected to because the there are more than one hundred fifty words. Correction is required. See MPEP § 608.01(b).

- The reference character "18" has been used to designate both "frame" and "paddle" (page 4, line 9).

- The reference character "42" has been used to designate both "paddle face" and "the convex paddle profile" (page 6, lines 14 and 15).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over (US 6,621,025) in view of Swanson et al. (US 5,068,639).

Yei discloses a rocker switch comprising:

- a switch body 1 including switch contact (see attachment);
- a frame 5 attached to the switch body;
- a paddle 6 for actuating the switch contacts;
- wherein the paddle has a pivot structure cooperatively engageable with a portion of the frame for selective rotational movement around a pivot axis (see the attachment) between a limited forwardly-tilted position and a limited rearwardly-tilted position;
- wherein the paddle has a uni-convex cylindrical exterior surface with a curvature, Rp (see the attachment);
- the paddle 6 has an actuating structure integrally attached to a rear surface thereof having a distal end that operationally enables an open-switch condition and a closed-switch condition;
- the paddle 6 has an upper and a lower circumferential surface (see the attachment) each having a curvature, Rb, the center of which originates along the pivot axis;

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- the paddle 6 includes an indicia 61 for identifying one of a position of the paddle and an indication of the switch status;
 - the indicia 61 is a surface indent.
4. Regarding claims 1, 4, 7-11, Yei disclose the instant claim invention as discussed above except for a mounting strap, a faceplate in the form of a frame, faceplate has a uni-convex cylindrical exterior front surface with a curvature, the convex profile of the paddle surface is tangent to a corresponding portion of a convex cross sectional profile of the faceplate surface.

Yei further comprises the paddle 6 includes an upper and a lower circumferential surface having a curvature, R_b (see the attachment), the center of which originates along the pivot axis.

Swanson discloses a wall box dimmer comprising:

- a mounting strap 34 attached to the switch body 62;
- one of the upper and the lower circumferential surfaces 20 engages a space (see the attachment) intermediate a portion of the mounting strap 34 and a surface of the frame 86 in one of the forwardly-tilted position and the rearwardly-tilted position;
- the faceplate 12 in having an opening perimeter defined by upper and opposing lower inner surfaces and left and opposing right inner surfaces;
- the paddle 20 occupies the faceplate opening in an assembled condition;
- the axial center line of the faceplate opening and an axial centerline of the paddle 20 have a constant intersection point along the pivot axis.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have the faceplate in the form of a frame, faceplate has a uni-convex cylindrical exterior front surface with a curvature and the convex profile of the paddle surface is tangent to a corresponding portion of a convex cross sectional profile of the faceplate surface or curvature

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Ra = Rb for the purpose of cosmetic appearance, since such a modification would have involved a mere change in the shape of a component. A change in shape is generally recognized as being within the level of ordinary skill in the art. *In re Dailey*, 357 F.2d 669, 149 USPQ 47 (CCPA 1966).

Conclusion

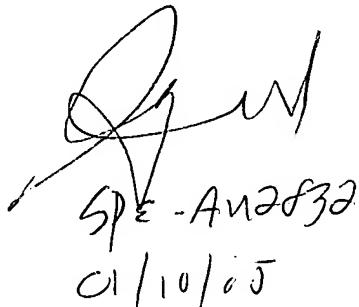
5. Any inquiry concerning this communication should be directed to Lisa Nhung Klaus whose telephone number is (571) 272-1993, and whose fax number is 703-872-9306. In the event that I am not reached, you can contact my supervisor, Mr. Elvin G. Enad at (571)272-1990 or the tech center receptionist at (703) 308-1782.

LK

Lisa Nhung Klaus

Patent Examiner - Art Unit 2832

December 31, 2004



A handwritten signature in black ink, appearing to read "Lisa Nhung Klaus". Below the signature, the text "SP - A12832" is written vertically, followed by the date "01/10/05" at the bottom.

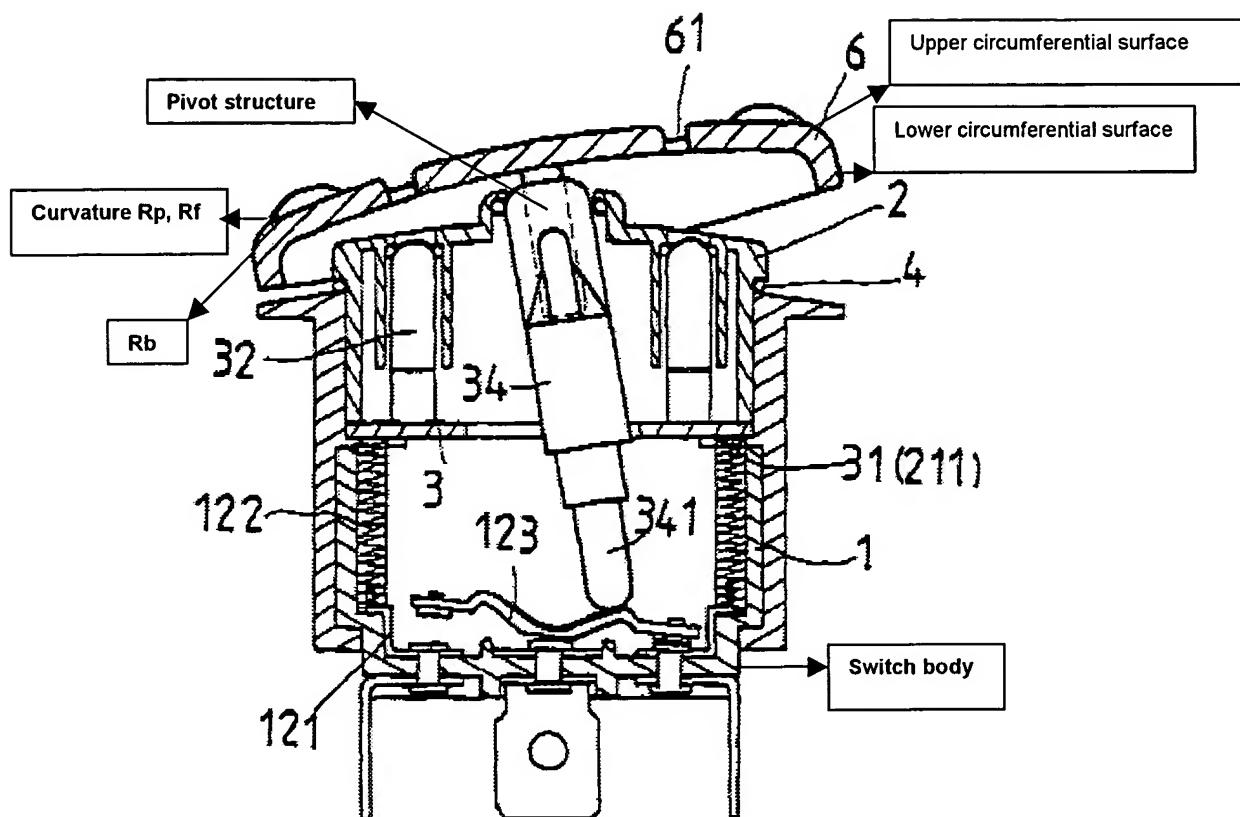
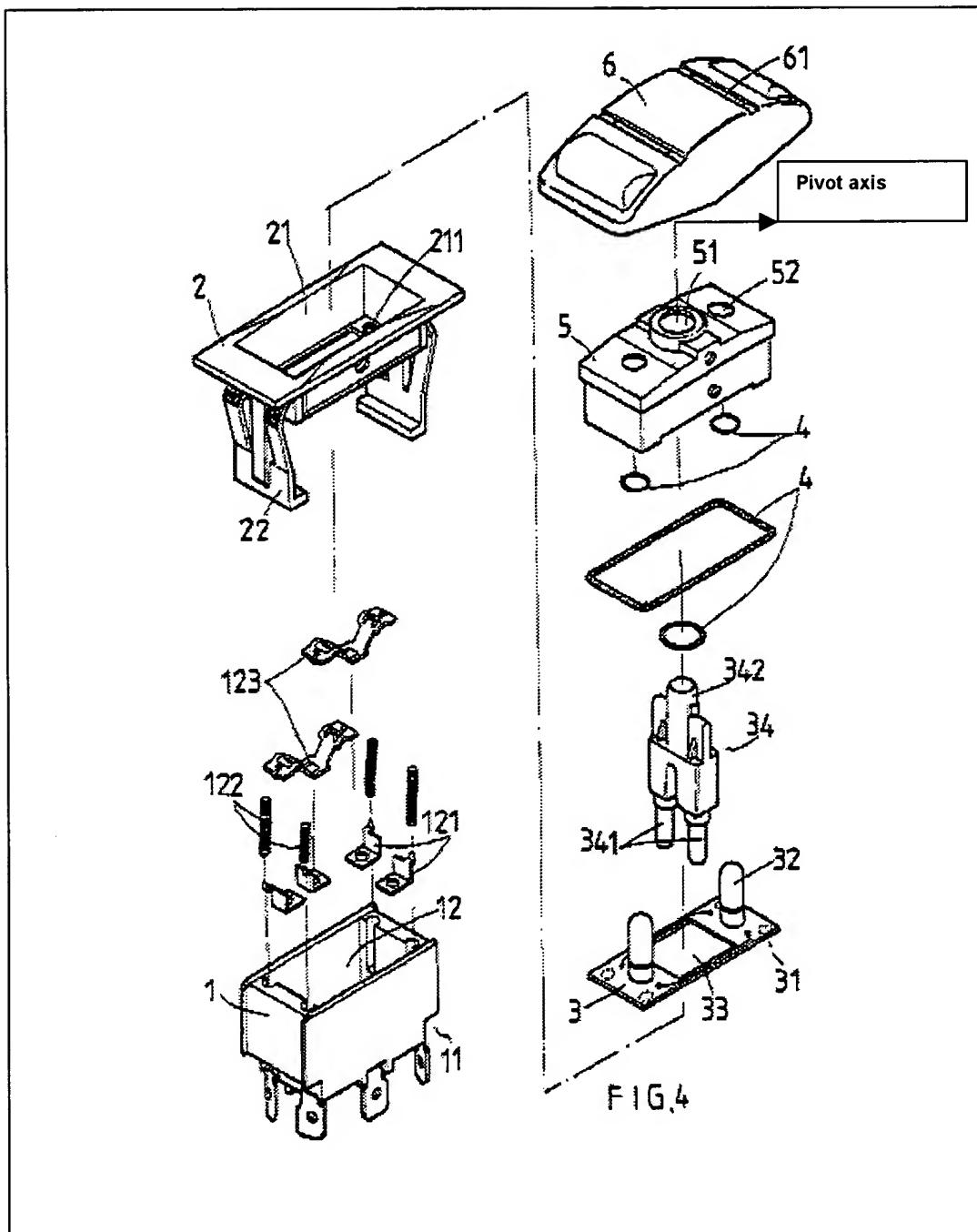


FIG. 5



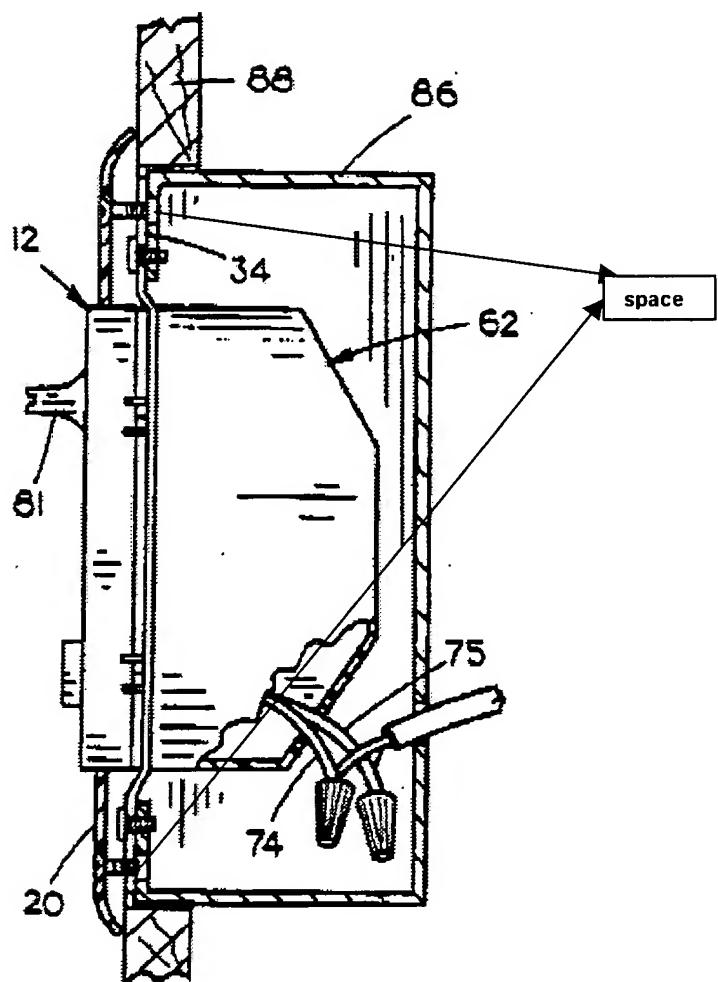


FIG. 5